

**BOARD OF ZONING APPEALS**

601 Lakeside Avenue, Room 516  
Cleveland, Ohio 44114-1071  
<https://planning.clevelandohio.gov/bza/cpc.html>  
216.664.2580

**AUGUST 1, 2022**

**Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:**

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

**In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on July 29, 2022. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.**

**IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request at 216-664-2580. You can also email Secretary Elizabeth Kukla at [ekukla@city.cleveland.oh.us](mailto:ekukla@city.cleveland.oh.us).**

**Calendar No. 22-112**

**3522 Clark Ave.**

**Ward 14**

**Jasmine Santana**

Charter Food Inc, proposes to establish a new Taco Bell structure with drive-through in a G2 Limited Retail Business and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.22 which states in the Limited Retail Business District Drive-Through Restaurant is permitted only as regulated in section 348.04 in the Urban Form Overlay.
2. Section 348.04(c)(3) which states any business served by a drive-thru shall have all points of customer intersection located outside of the urban street space; proposed restaurant building is within urban street space.
3. Section 348.04(d)(2)(A) which states 80 % Principal street frontage build out is required; proposed is less than 80%.
4. Section 348.04(d)(4)(B) which states no access is permitted on a principal frontage; two drives are proposed.
5. Section 348.04(d)(4)(D) which states that the maximum permitted aisle width is 22 feet.
6. Section 348.04(d)(5)(D) which states a 6 foot wide transition strip of 100% opacity is required at the rear where lot abuts Multi-Family District.

Union Social Center, proposes to change use from hair salon to multi-purpose center for classes and assembly use in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 359.01(a) which states the proposed use is not permitted in Two Family Residential District. A use of building or land for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use.

Chris Nguyen, proposes to change the use from a two family dwelling to a three family dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states in a Two Family Residential district, a three family dwelling is not permitted; it is first permitted in a Multi-Family District.
2. Section 337.03(c) which states The Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling house to provide for more than two dwelling units but not more than six dwelling units provided that: (1) The square footage of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; (2) The dwelling units to be created will be not smaller than two (2) rooms and the bathroom; (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families, except such as may be permitted by the Board; (4) The building when altered or erected and when occupied will conform to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify; (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family.

**Calendar No. 22-127:**

**4297 W 146<sup>th</sup> St.**

**Ward 16  
Brain Kazy**

Victor Lapa, proposes to erect a 10' x 18' aluminum sunroom to existing single family residence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2) which states the Minimum Required Interior Side Yard is 10 feet and the appellant is proposing 5 feet 6 inches.

**POSTPONED FROM JUNE 13, 2022**

**9:30**

**Calendar No. 22-096:**

**793 Starkweather Ave.**

**Ward 3  
Kerry McCormack  
12 Notices**

Cumhur Sasma, owner, proposes to construct new 3 story, 3,860 square foot, 2 dwelling unit house:

1. Section 355.04(b) which states in "B" area district, minimum 6,000 square foot lot is required for a 2 dwelling unit residence: 2,400 square foot lot is proposed. 50-foot-wide lot is required; 30-foot lot width is proposed. Maximum floor area is limited to one half of lot size: or 1,200 square foot floor area permitted 3,860 square foot floor area is proposed.
2. Section 337.23(a)(6)(A)(2) which states an attached garage must be in rear half of the lot.
3. Section 357.09(b)(2)(C) states minimum 3' interior side yards aggregate of 6' is required, 4' side yards aggregate is provided.
4. Section 357.08(b)(1) states rear yard of 20' is required, no rear yard is provided with proposed attached rear deck.
5. Section 341.02 states approval of the City Planning Commission/Department is required. (No Testimony) *POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR COMMUNITY REVIEW.*

**POSTPONED FROM JULY 18, 2022**

**9:30**

**Calendar No.22-126: Denial of John's Hot Dog's  
Vendor's License  
RLUMF22-00005**

John Sisamis (AKA John's Hotdogs) owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances to dispute the decision of the Commissioner of Assessments and Licenses to deny vendor's license RLUMF22-0005 (based upon input from Councilman McCormack). (Filed July 8, 2022-Testimony Taken) *POSTONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW TIME TO GET FULL FILE FROM LICENSES AND ASSESSMENTS AND TO CONFER WITH COUNCILMAN.*

